

Paper 1

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Filed 26 May 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

GM Global Technology Operations, Inc.,  
Junior Party  
(Patent 7,459,065  
Inventors: Nelson A. Kelly and Thomas L. Gibson),

v.

Thomas W. Oakes,  
Senior Party  
(Application 10/785,234).

Patent Interference No. 105,692 (RES)  
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)<sup>1</sup>

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
3 parties. Details of the application(s), patent (if any), reissue application (if any), count  
4 and claims designated as corresponding or as not corresponding to the count appear in  
5 Parts E and F of this DECLARATION.

---

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

## 1 Part B. Judge managing the interference

2       Administrative Patent Judge Richard E. Schafer has been designated to manage  
3   the interference. 37 C.F.R. § 41.104(a).

4

## 5 Part C. Standing order

6 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
7 DECLARATION. The STANDING ORDER applies to this interference.

8

## 9 Part D. Initial conference call

10 A telephone conference call to discuss the interference is set for 4:30 p.m. on  
11 July 16, 2009 (the Board will initiate the call).

12           No later than two business days prior to the conference call, each party shall  
13   file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. §§ 41.120 & 204;  
14   SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A time periods for taking action during the motion phase are set in an order  
16 accompanying this declaration.

17

## 18 Part E. Identification and order of the parties

## Junior Party

22                   Involved Patent:           7,459,065

23           Title:           Hydrogen Generator Photovoltaic Electrolysis  
24                            Reactor System

25 Assignee: GM Global Technology Operations, Inc.

## Senior Party

Named Inventor: Thomas W. Oakes, La Mesa, CA

Involved Application: 10/785,234

**Title:** System and Method for Generating Hydrogen Gas Using Renewable Energy

Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

## Part F. Count and claims of the parties

Count 1

Claim 5 Oakes Application 10/785,234 or Claim 34 of GM Patent 7,459,065.

### The claims of the parties:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35  
Patent 7,459,065: Claims: 1-36

The claims of the parties corresponding to Count 1:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35  
Patent 7,459,065: Claims: 1-30, 34-36

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference:

Application 10/785,234: Claims: None  
Patent 7,459,065: Claims: 31-33

1       The parties are accorded the following benefit for Count 1:

2                   Application 10/785,234: None  
3                   Patent 7,459,065:       None

4  
5       Part G. Heading to be used on papers

6       The following heading must be used on all papers filed in this interference.  
7       SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party* @.

By: *Counsel Name(s)* @

*Address* @

(@ @ @) @ @ @ - @ @ @ @ (telephone)

(@ @ @) @ @ @ - @ @ @ @ (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

GM Global Technology Operations, Inc.,  
Junior Party  
(Patent 7,459,065)

Inventors: Nelson A. Kelly and Thomas L. Gibson),

v.

Thomas W. Oakes,  
Senior Party  
(Application 10/785,234).

---

Patent Interference No. 105,692 (RES)  
(Technology Center 1700)

---

TITLE OF PAPER

1           Part H. Order form for requesting file copies

2           When requesting copies of files, use of SO Form 4 will greatly expedite  
3 processing of the request. Please attach a copy of Parts E and F of this  
4 DECLARATION with a hand-drawn circle around the patents and applications for  
5 which a copy of a file wrapper is requested.

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 7,459,065  
Copy of claims of Application 10/785,234

cc (via overnight delivery):

Counsel for General Motors Technology Operations, Inc.:

Kathryn Marra, Esq.  
300 Renaissance Center  
Legal Staff-Intellectual Property  
Mail Code 482-C23-B21  
Detroit, MI 48265-3000

Counsel for Oakes:

William J. Kolegraff  
3119 Tumberry Way  
Jamul, CA 91935